

EXHIBIT O

In the Matter of:

Amazon eCommerce

October 7, 2022

Robert Stangler

Condensed Transcript with Word Index



For The Record, Inc.
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<p style="text-align: right;">1</p> <p>1 FEDERAL TRADE COMMISSION</p> <p>2</p> <p>3 In the Matter of:)</p> <p>4 AMAZON eCOMMERCE,) File No. 191-0129</p> <p>5 a corporation.)</p> <p>6 -----)</p> <p>7 Friday, October 7, 2022</p> <p>8</p> <p>9 Room 8103</p> <p>10 Federal Trade Commission</p> <p>11 Constitution Center</p> <p>12 400 7th Street, S.W.</p> <p>13 Washington, D.C. 20024</p> <p>14</p> <p>15 The above-entitled matter came on for</p> <p>16 investigational hearing, pursuant to subpoena, at</p> <p>17 9:29 a.m.</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">3</p> <p>1 APPEARANCES: (continued)</p> <p>2</p> <p>3 ON BEHALF OF AMAZON.COM, INC. AND THE WITNESS:</p> <p>4 KOSTA STOJILKOVIC, ESQ.</p> <p>5 ANTHONY P. FERRARA, ESQ.</p> <p>6 BETH WILKINSON, ESQ. (via realtime)</p> <p>7 Wilkinson Stekloff</p> <p>8 2001 M Street, N.W.</p> <p>9 Washington, D.C. 20036</p> <p>10 (202) 847-4045</p> <p>11 kstojilkovic@wilkinsonstekloff.com</p> <p>12 -and-</p> <p>13 RALIA POLECHRONIS, ESQ.</p> <p>14 Wilkinson Stekloff</p> <p>15 130 West 42nd Street</p> <p>16 24th Floor</p> <p>17 New York, New York 10036</p> <p>18 (212) 294-8922</p> <p>19 rpolechronis@wilkinsonstekloff.com</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">2</p> <p>1 APPEARANCES:</p> <p>2</p> <p>3 ON BEHALF OF THE FEDERAL TRADE COMMISSION:</p> <p>4 SUSAN MUSSER, ESQ.</p> <p>5 EMILY BOLLES, ESQ.</p> <p>6 KELLY FABIAN, ESQ. (via phone)</p> <p>7 U.S. Federal Trade Commission</p> <p>8 Bureau of Competition</p> <p>9 Constitution Center</p> <p>10 400 7th Street, S.W.</p> <p>11 Washington, D.C. 20024</p> <p>12 (202) 326-2122</p> <p>13 smusser@ftc.gov</p> <p>14</p> <p>15 ON BEHALF OF THE STATE OF IOWA:</p> <p>16 BRYCE PASHLER, ESQ. (via phone)</p> <p>17 Iowa Department of Justice</p> <p>18 Office of the Attorney General</p> <p>19 Consumer Protection Division</p> <p>20 1305 E. Walnut Street - 2nd Floor</p> <p>21 Des Moines, Iowa 50319</p> <p>22 (515) 281-5926</p> <p>23 Bryce.Pashler@ag.iowa.gov</p> <p>24</p> <p>25</p>	<p style="text-align: right;">4</p> <p>1 APPEARANCES: (continued)</p> <p>2</p> <p>3 ON BEHALF OF AMAZON.COM, INC. AND THE WITNESS:</p> <p>4 MARIE HANEWINCKEL, ESQ.</p> <p>5 ADDISON THOMPSON, ESQ. (via realtime)</p> <p>6 SUMNER TRUAX, ESQ. (via realtime)</p> <p>7 Covington & Burling LLP</p> <p>8 One CityCenter</p> <p>9 850 Tenth Street, N.W.</p> <p>10 Washington, D.C. 20001-4956</p> <p>11 (202) 662-5174</p> <p>12 mhanewinckel@cov.com</p> <p>13 (202) 662-5709</p> <p>14</p> <p>15</p> <p>16 ALSO PRESENT:</p> <p>17 SCOTT FITZGERALD, ESQ. - Amazon</p> <p>18 ALEXIS COLLINS, ESQ. - Amazon (via realtime)</p> <p>19 CAELAN DICK, Paralegal - FTC</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

<p>5</p> <p>1 FEDERAL TRADE COMMISSION 2 I N D E X 3 4 WITNESS: EXAMINATION: PAGE 5 ROBERT STANGLER BY MS. MUSSER 6 6 7 8 EXHIBITS MARKED 9 PX DESCRIPTION FOR ID 10 Number 9006 10-4-2022 letter to 194 11 David Schwartz from 12 Beth Wilkinson 13 14 15 PREMARKED EXHIBITS REFERENCED 16 PX PAGE 17 Number 1689 26 18 Number 1693 200 19 Number 1701 58 20 Number 1703 62 21 Number 1706 9 22 Number 1825 185 23 Number 1826 44 24 Number 1828 84 25 Number 9005 60</p>	<p>7</p> <p>1 [REDACTED] 2 [REDACTED] 3 [REDACTED] 4 Q. And so this might be a bit of old hat, but just 5 as a little bit of a refresher, you'll note the 6 court reporter to my right who is taking down 7 everything that you say, everything that I say. A few 8 rules, mostly for her benefit. 9 First, I will try to speak slowly and clearly, 10 but to the extent that you don't understand something I 11 say or my question, while intended to be perfectly 12 articulated, is not so, please just let me know, and 13 I'll be happy to re-ask the question. 14 Is that fair? 15 A. That is. Thank you. 16 Q. And if you answer the question, I will assume 17 that you understand the question. 18 Is that also fair? 19 A. That is. 20 Q. And if you can wait until I'm finished 21 answering my question before you -- asking my question 22 before you answer my question, I'd appreciate that. 23 Does that work for you? 24 A. That will. 25 Q. And of course, as wonderful as our</p>
<p>6</p> <p>1 P R O C E E D I N G S 2 - - - - - 3 Whereupon -- 4 ROBERT STANGLER 5 a witness, called for examination, having been first 6 duly sworn, was examined and testified as follows: 7 EXAMINATION 8 BY MS. MUSSER: 9 Q. Good morning. How are you? 10 A. Good morning. Well. And yourself? 11 Q. I'm well. Thank you. 12 I'm Susan Musser. I'm joined today by my 13 colleague Emily Bolles. We're both attorneys for the 14 FTC. And I'll be asking you some questions today. 15 Have you ever been deposed before? 16 A. I have. 17 [REDACTED] 18 [REDACTED] 19 [REDACTED] 20 [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED] 25 [REDACTED]</p>	<p>8</p> <p>1 court reporter is today, she cannot transcribe 2 nonverbal answers. If you could just answer with a yes 3 or no or verbally, that would be appreciated. 4 Does that work as well? 5 A. That does. 6 Q. And I'll be taking several breaks today, but 7 if at any time you need a break, please let me know. 8 My only request is that if I have a question pending 9 that you answer the question before you take a 10 break. 11 Is that also fair? 12 A. That is. Thank you. 13 Q. And you've been designated today to testify as 14 a corporate designee on behalf of Amazon; is that 15 correct? 16 A. That is correct. 17 Q. And when were you asked to testify as a 18 corporate designee? 19 A. I believe it was approximately a month or so 20 ago. 21 Q. And who asked you to testify as a corporate 22 designee? 23 A. I believe it was my direct manager at Consilio, 24 Lauren Hause, H-A-U-S-E, had informed me of a potential 25 request to be a deponent.</p>

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1 that would have been specifically mentioned in that
2 questionnaire?

3 A. There may have been other message -- messaging
4 applications discussed or represented in there. Wickr
5 and -- the consumer version of Wickr and Signal are the
6 two that I'm aware of.

7 Q. Okay. And have you seen a copy of this
8 questionnaire?

9 A. I have not.

10 Q. Have you seen a blank version of this
11 questionnaire?

12 A. I have not.

13 MS. MUSSER: And Kosta, did you have --

14 MR. STOJILKOVIC: That was it.

15 MS. MUSSER: Okay.

16 BY MS. MUSSER:

17 Q. So turning to PX 1689, that's the subpoena. I
18 think you already have that.

19 And I'm going to ask you about page 3.

20 A. Okay.

21 Q. And turning to topic 7, other than what you've
22 previously testified to regarding your preparation to
23 testify today, did you look at any other specific
24 documents relating to steps that the company took to
25 identify custodians that are using or have used Signal?

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1 A. I have not.

2 Q. What did you do to prepare to testify as to
3 this topic?

4 A. I reviewed the materials provided to me by
5 counsel.

6 Q. And those materials would include 17- --
7 Exhibit 1701, which is the big document that's
8 previously been admitted into the record?

9 A. That is correct.

10 Q. Other than your counsel, did you speak to
11 anyone to prepare to testify as to topic 7?

12 A. I did not.

13 Q. Did Consilio have any involvement in
14 identifying current or former company employees who use
15 Signal?

16 A. We did not.

17 Q. Whose responsibility or role was it to identify
18 current and former employees who use Signal?

19 A. Counsel.

20 Q. What counsel?

21 A. Amazon counsel.

22 Q. Was it internal counsel or outside counsel?

23 A. I'm not sure.

24 Q. Did you speak to anyone at Covington in
25 preparation to testify as to topic 7?

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1 A. I did.

2 Q. Without disclosing the content, can you tell me
3 who you spoke to?

4 A. Marie who is here (indicating) and Addison -- I
5 can't remember Addison's last name -- and -- I think
6 that is it. There may have been one other individual
7 on the phone, but I don't recall his name and I don't
8 recall speaking to him specifically about this.

9 Q. Okay. Do you -- about how long did you spend
10 preparing for this specific topic?

11 A. A few hours.

12 Q. If you could turn to document PX 1701.

13 A. Yeah.

14 Q. If you could turn to page ending in 009.

15 I believe you already testified that you were
16 familiar with this document?

17 A. That's correct.

18 Q. And did you review this document in order to
19 prepare for your testimony today?

20 A. I did.

21 Q. And actually, can you turn back to page 3 of
22 the same document. And this is ending in 003.

23 Have you reviewed this portion of this
24 document?

25 A. I have.

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1 Q. Okay. I'm looking at table 1.

2 Have you seen table 1 before?

3 A. I have.

4 Q. I'm looking at the second column where it
5 says (as read): Document Preservation Notices.

6 Do you see that?

7 A. I do.

8 Q. What do you understand that to refer to?

9 A. The dates the preservation notices were sent
10 with regards to this matter.

11 Q. And looking at this table, what is the first
12 preservation note that was sent, according to this
13 table?

14 A. July 2, 2019.

15 Q. And did that July 2, 2019 document preservation
16 notice address ephemeral messaging?

17 MR. STOJILKOVIC: Objection.

18 I guess -- so two things.

19 We view the contents of the hold notice as
20 privileged.

21 I guess if you're asking for -- if you're
22 asking for topically, you can answer if you know.

23 THE WITNESS: Could you repeat the question?

24 BY MS. MUSSER:

25 Q. Sure.

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1 **Did the document preservation notice sent on**
2 **July 2, 2019 have any reference to the topic of**
3 **ephemeral messaging?**

4 A. Generally my understanding of hold notices is
5 they're in -- they have interrelation to the document
6 preservation guidelines and policies, for instance, in
7 Amazon's policy on document and record retention and
8 destruction, which can be found in tab 3 part G.

9 **Q. So this July 2, 2019 notice, was this a**
10 **document sent to cus- -- or to the recipients listed in**
11 **the first column under Custodian?**

12 A. Could you repeat the question?

13 **Q. Sure.**

14 **Was the July 2, 2019 document preservation**
15 **notice a physical -- a document that was sent to the**
16 **custodians?**

17 A. My understanding it was an email.

18 **Q. And was this email -- did it include an**
19 **attachment?**

20 A. I'm not sure.

21 **Q. But the preservation notice was either included**
22 **in the body of the email or an attachment; is that**
23 **fair?**

24 A. That would be my understanding.

25 **Q. Did that specific email or attachment**

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1 **containing the document preservation notice mention the**
2 **topic ephemeral messaging?**

3 MR. STOJILKOVIC: So I'll just -- just to make
4 this easier, we view the hold notices, including and
5 specifically how they are laid out and what's in them
6 as privileged, and for that reason we have not had the
7 witness review the specific hold notices, and so I
8 don't think he's going to be able to answer that.

9 MS. MUSSER: Okay.

10 BY MS. MUSSER:

11 **Q. So I'll ask you to --**

12 MR. STOJILKOVIC: You can still ask.

13 BY MS. MUSSER:

14 **Q. -- yeah -- answer the question.**

15 **I'll just ask you to answer the question.**

16 A. Could you repeat the question?

17 **Q. Sure.**

18 **Did the document preservation notice dated**
19 **July 2, 2019 contain a specific reference to ephemeral**
20 **messaging in either the email or any attachment sent to**
21 **the custodians?**

22 A. I'm not sure.

23 **Q. And did the document preservation notice sent**
24 **July 2, 2019 contain a reference to any disappearing**
25 **message features either in the attachment or in the**

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1 **email sent to the custodian?**

2 A. I'm not sure.

3 **Q. Turning to -- if you look at the first -- the**
4 **third line -- my apologies -- under Custodian, there's**
5 **Aubrey, Colleen.**

6 **Do you see that?**

7 **Which is the first custodian listed?**

8 A. Oh.

9 **Q. Aubrey, Colleen?**

10 A. I was thinking the third line. Okay. Gotcha,
11 I do.

12 **Q. And do you see, going to the second column,**
13 **where it says "March 19, 2020"?**

14 A. Yes.

15 **Q. Was a document preservation notice sent on**
16 **March 19, 2020?**

17 A. Yes.

18 **Q. Do you know whether the document preservation**
19 **notice sent on March 19, 2020 in either the email or**
20 **any attachment made a specific reference to ephemeral**
21 **messaging?**

22 MR. STOJILKOVIC: So again I'll let you answer
23 whether you know and I'll stamp -- just reiterate my
24 representation. It's the same for all of them.

25 You can answer whether you know.

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1 THE WITNESS: I'm not sure.

2 BY MS. MUSSER:

3 **Q. And did that March 19, 2020 notice in either**
4 **the email or any attachment specifically reference the**
5 **disappearing message function or feature?**

6 A. I'm not sure.

7 **Q. And on the same column there's another date,**
8 **June 4, 2020.**

9 **Do you see that?**

10 A. I do.

11 **Q. In the June 4, 2020 document preservation**
12 **notice, did that contain a specific reference to**
13 **ephemeral messaging in either the email or any**
14 **attachment?**

15 A. I'm not sure.

16 **Q. And I believe you earlier referenced that**
17 **there was a link to Amazon's document retention policy**
18 **in the document preservation notice. Do I have that**
19 **correct?**

20 A. I don't believe that's accurate.

21 **Q. Okay. You mentioned a document retention**
22 **policy, which is tab 3-G in your binder.**

23 **Can you explain again why or whether that's**
24 **relevant to Amazon's document preservation notices that**
25 **we've been talking about?**

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1 replaced, so they transferred all messages from their
2 old -- they transferred their Signal messages from
3 their old phones to their new devices.

4 **Q. At a high level, can you describe how that**
5 **works?**

6 A. Is your question, at a high level, how do you
7 transfer information from one device to another?

8 **Q. How do you transfer Signal messaging from an**
9 **old device to a new device?**

10 A. My understanding is when you log in to the new
11 device, the information -- you're reauthenticated and
12 everything from your Signal account is then carried
13 over to your new device.

14 **Q. Did Consilio do any QC or auditing to make sure**
15 **that everything transferred?**

16 A. Not that I'm aware of.

17 **Q. Can you turn -- actually, you don't have this,**
18 **at least not that I'm aware of.**

19 MR. STOJILKOVIC: He doesn't.

20 BY MS. MUSSER:

21 **Q. There you go.**

22 I'm handing you what's been marked as PX 1825.
23 This is titled Legal Hold FAQ.

24 Just take a minute to look through this.
25 (Document review.)

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1 A. Okay.

2 **Q. Are you familiar with this document?**

3 A. I am.

4 **Q. What is it?**

5 A. It is a legal hold FAQ, frequently asked
6 questions.

7 **Q. Going to the top right, it says**
8 **"Legal Hold FAQ" and then there's a**
9 **(LitigationRegulatory.HoldFAQ.WebHome) - XWiki.**

10 **Do you see that?**

11 A. I do.

12 **Q. Where is this document housed?**

13 A. This is housed on the litigation regulatory
14 Wiki site within Amazon.

15 **Q. Who has access to that site?**

16 A. I believe all users would have access to this
17 site.

18 **Q. Looking at the top left, there's a date,**
19 **August 23, 22, 3:25 p.m.**

20 **What is the significance of that date?**

21 A. I believe that is the date and time that this
22 would have been printed.

23 **Q. And it says -- going to Legal Hold FAQ,**
24 **underneath that there's Primary Owner. Then it says**
25 [REDACTED]

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1 **Do you see that?**

2 A. I do.

3 **Q. What is that?**

4 A. [REDACTED] who is I believe one of
5 the leaders within the legal ops department in Amazon
6 legal.

7 **Q. And does "primary owner" mean he's the primary**
8 **drafter of this?**

9 A. I believe she is the owner of the -- this legal
10 hold FAQ.

11 **Q. What does it mean to be the owner of this legal**
12 **FAQ?**

13 A. I believe her department owns the publication
14 and upkeep of this FAQ.

15 **Q. And this says (as read): Last modified**
16 **12 months ago by [REDACTED]**

17 **Do you see that?**

18 A. I do.

19 **Q. What does [REDACTED] mean?**

20 A. That is a user.

21 **Q. Which user?**

22 A. [REDACTED]

23 **Q. Is [REDACTED] part of the legal**
24 **team?**

25 A. She is.

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1 **Q. And is this the last time this document has**
2 **been modified?**

3 A. I believe so. Yes.

4 **Q. Do you know when this document was created?**

5 A. I do not.

6 **Q. How would you figure out that information?**

7 A. I would have to ask [REDACTED] if she was aware of
8 when it was created.

9 **Q. Is there a way that you could look at the**
10 **metadata of this Wiki link to determine that?**

11 A. We might be able to look at the previous
12 versions to determine that, but that would infer to
13 when it was first published on that Wiki site.

14 **Q. Okay.**

15 **Going to the first line, it says, "If you are**
16 **under legal hold, you would have received an email**
17 **titled 'Document Preservation Notice.'"**

18 **Do you see that?**

19 A. I do.

20 **Q. Is that document preservation notice the**
21 **notices that were sent and we discussed earlier in**
22 **1701?**

23 A. That is my understanding, yes.

24 **Q. Looking at the fourth FAQ, "What about Slack,**
25 **Chime, and other software?" do you see that?**

<p style="text-align: right;">189</p> <p>1 A. I do.</p> <p>2 Q. It says, "If you use Signal, follow these steps</p> <p>3 to turn off disappearing messages."</p> <p>4 Do you see that?</p> <p>5 A. I do.</p> <p>6 Q. Do you know when that guidance was first issued</p> <p>7 on these FAQs?</p> <p>8 A. I do not.</p> <p>9 Q. Do you know why it was included on these FAQs?</p> <p>10 A. I do not.</p> <p>11 Q. And we had earlier talked about PX 1826. I</p> <p>12 believe you should have a copy of that in your stack</p> <p>13 there. It's the screenshot of Signal.</p> <p>14 A. Thank you.</p> <p>15 Q. Is this the link that is embedded within the</p> <p>16 legal hold FAQ?</p> <p>17 A. I believe so. Yes.</p> <p>18 Q. And what is this document?</p> <p>19 A. This document is instructions on how to turn</p> <p>20 off the disappearing message feature within Signal.</p> <p>21 Q. And looking at the first paragraph there, the</p> <p>22 third sentence says, "For new contact groups,</p> <p>23 disappearing messages are turned off by default."</p> <p>24 Can you explain that?</p> <p>25 A. My understanding is, within the application,</p>	<p style="text-align: right;">191</p> <p>1 flip through things, and hopefully we can get you out</p> <p>2 of here by like 3:30.</p> <p>3 Does that work for everyone.</p> <p>4 MR. STOJILKOVIC: Yep.</p> <p>5 (Recess)</p> <p>6 MR. STOJILKOVIC: So just again very quickly</p> <p>7 to clarify something from the last session, you were</p> <p>8 asked about collections of other apps other than</p> <p>9 Signal, and you said -- potentially ephemeral apps</p> <p>10 other than Signal, and you -- I don't think you</p> <p>11 indicated any.</p> <p>12 Is there something you can add to that?</p> <p>13 THE WITNESS: Yes.</p> <p>14 When I understood you to say collected, I mean,</p> <p>15 I was assuming you were saying collected as far as</p> <p>16 retrieving from a system.</p> <p>17 The Wickr enterprise messages are being</p> <p>18 preserved or collected on the back end for users that</p> <p>19 are subject to legal hold.</p> <p>20 In addition, we performed a collection on a</p> <p>21 custodian who had WhatsApp, but that was part of a full</p> <p>22 mobile forensic collection, and I just wanted to</p> <p>23 clarify that.</p> <p>24 MS. MUSSER: Okay.</p> <p>25 Anything else?</p>
<p style="text-align: right;">190</p> <p>1 the -- if you create a new contact group, the</p> <p>2 disappearing message feature is turned off by default.</p> <p>3 Q. Okay. So, in other words, in order to change</p> <p>4 that, you would have to actively go into Settings and</p> <p>5 select one of the disappearing message features that we</p> <p>6 talked about previously.</p> <p>7 A. That is correct.</p> <p>8 Q. And aside from this legal hold FAQ, did you</p> <p>9 review any other guidance that we haven't spoken about</p> <p>10 today regarding document preservation obligations in</p> <p>11 preparation for this, your testimony today?</p> <p>12 A. Outside of the policies I mentioned earlier</p> <p>13 which was the -- Amazon's policy on document and</p> <p>14 retention and destruction policy?</p> <p>15 Q. Uh-huh.</p> <p>16 A. I'm sorry. What was your --</p> <p>17 Q. Did you review any other policies that relate</p> <p>18 to document preservation?</p> <p>19 A. Outside of the ones that are in this binder, I</p> <p>20 did not.</p> <p>21 Q. And are you aware of whether any other policies</p> <p>22 exist that you did not review?</p> <p>23 A. Not that I'm aware of.</p> <p>24 MS. MUSSER: All right. If you can give me</p> <p>25 10-15 minutes, I'm going to get my notes together and</p>	<p style="text-align: right;">192</p> <p>1 MR. STOJILKOVIC: That's it.</p> <p>2 BY MS. MUSSER:</p> <p>3 Q. So closing the loop on Signal collections, do</p> <p>4 you know whether any Signal -- or any ephemeral</p> <p>5 messaging was collected for David Limp?</p> <p>6 A. I do not believe any Signal messages were</p> <p>7 collected for the custodian David Limp.</p> <p>8 Q. Do you know why not?</p> <p>9 A. During the conversations, counsel had</p> <p>10 interviewed Mr. Limp in 2020 and again in</p> <p>11 November 2021 and confirmed he did not possess any</p> <p>12 substantive messages within the time frame that were</p> <p>13 responsive to the investigation.</p> <p>14 Q. Do you know whether counsel personally reviewed</p> <p>15 the messages on Mr. Limp's phone?</p> <p>16 A. I believe in the conversations they were</p> <p>17 involving public relations, so they're not responsive</p> <p>18 to the investigation.</p> <p>19 Q. So did counsel personally review the</p> <p>20 conversations on the phone or was that based on</p> <p>21 Mr. Limp's representations?</p> <p>22 A. I'm not sure which one it was.</p> <p>23 Q. And do you know the criteria or methodology</p> <p>24 counsel employed to determine whether it was</p> <p>25 responsive?</p>